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Attorney Docket No. 249/463

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jong-youn LEE, et al.

Art Unit: 3736

Serial No. 10/830,113

Examiner:

Filed: April 23, 2004

Confirmation No. 9017

For: APPARATUS AND METHOD FOR DIAGNOSING
SLEEP APNEA

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 (or PTO-1449, *modified*) is a listing of a document(s) known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 C.F.R. §1.56.

☐ A copy of each listed document is being submitted to comply with the provisions of 37 C.F.R. §§1.97 & 1.98. [Box checked if applicable.]

☒ A copy of each listed non-U.S. patent and/or patent publication and cited literature is being submitted to comply with the provisions of 37 C.F.R. §§1.97 & 1.98. Cited U.S. patents and patent publications are *not* attached in accordance with the waiver set forth in the Notice by the Deputy Commissioner for Patent Examination Policy dated July 11, 2003, applicable to applications having a U.S. filing date *after* June 30, 2003. [Box checked if applicable.]

* * *

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application. Applicant does not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

☒ The listed document(s) is/are being submitted in compliance with 37 C.F.R. 1.97(b)(3): submission before the mailing date of the first action on the merits. [Box checked if applicable.]

☒ The foregoing document(s) came to applicant's attention during the prosecution of their corresponding European application. ☒ A copy of the EP Search Report is also attached.
[Box(es) checked if applicable.]

CERTIFICATION

☒ The undersigned hereby certifies in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. [Box checked if applicable.]

* * *

Applicant respectfully requests that the listed document(s) be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

* * *

FEE PAYMENT

- ☐ The fee mandated by 37 C.F.R. §1.17(p) is believed applicable. [Box checked if applicable.]
- ☐ Attached is Form PTO-2038 in payment of this fee (\$180.00). [Box checked if applicable.]
- ☐ This fee may be charged to Deposit Account No. 50-1645. (A duplicate copy of this paper is enclosed.) [Box checked if applicable.]

Respectfully submitted,

November 1, 2004
Date


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DEPOSIT ACCOUNT CHARGE AUTHORIZATION

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the above-paper may also be charged to Deposit Account No. 50-1645.

PTO/SB/08A (04-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/830,113
Filing Date	April 23, 2004
First Named Inventor	Jong-youn LEE, et al
Art Unit	3736
Examiner Name	
Attorney Docket Number	249/463

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U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 335 356 A2/A3	10-04-1989	STONE, et al.		
		WO 99/63883	12-16-1999	SARUSSI		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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